

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING
ORDINANCE NUMBER 1712, THE ZONING ORDINANCE (ZA-94-04).**

WHEREAS, ORS 197.667 sets standards for residential homes and residential facilities which must be implemented by cities and counties within the State of Oregon, and

WHEREAS, the Federal Fair Housing Act requires residential homes and residential facilities to be evaluated by standards no different for single family residences, and

WHEREAS, the City Comprehensive Plan promotes housing choice and diversity in order to meet all housing needs within the City of Milwaukie, and

WHEREAS, references within the City Zoning Ordinance regarding handicapped housing must be amended to comply with ORS 197.667 and the Federal Fair Housing Act, and

WHEREAS, public hearings were held on this matter by the City Planning Commission on May 10, 1994 and by the City Council on May 17, 1994,

**NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS
FOLLOWS:**

Section 1. Findings. Findings of fact in support of the proposed amendments are as follows:

1. Zoning text amendments must meet the criteria of Sections 904 and 905 of the City Zoning Ordinance. These criteria are addressed in the subsequent findings.
2. Section 904.1A. requires:

Applicable requirements of Section 1003.

Section 1003 requires a completed application and site plan. An application is included in File ZA-94-04, however, since this is a legislative text amendment, no site plan is required.

3. Section 904.1B. requires:

Reasons for requesting the proposed text amendments.

The Milwaukie City Council recently adopted amendments to revise the Zoning Ordinance because existing definitions for Residential Home and Residential Care Facility were discovered to not meet the requirements of ORS 197.660-.670 and the provisions of the Federal Fair Housing Act (Ord. #1757). The City Attorney identified additional amendments required because of potential conflicts with the prior amendments of Ord. #1757 and handicapped housing as described within the Zoning Ordinance.

4. Section 904.1C. requires:

Explanation of how the proposed text amendment is consistent with other provisions of this Ordinance.

Text amendments are proposed for Sections 103, 301, 302, 303, 304, 305, 306, 307, 308, 309, 311, 321, 325, 501, and 602 of the Zoning Ordinance. These amendments not only remove the handicapped housing citation as intended but also provide additional clarification of uses per zones. New uses created by Ord. #1757 are also listed in appropriate zones in order to specifically clarify allowed uses.

5. Section 904.1D. requires the following be satisfied.

The approval criteria of Section 905.

These criteria are satisfied in subsequent findings.

6. Section 905.1A. requires:

The proposed amendment must conform to applicable Comprehensive Plan goals, policies, and objectives and be consistent with the provision of City ordinances.

Objective 2 of the Plan Review and Amendment Process Chapter within the Comprehensive Plan requires the Comprehensive Plan be implemented through appropriate ordinances and action.

Modifications to these sections of the Zoning Ordinance will have the effect of making the review process for residential uses both easier to implement because of the use of clear language and in compliance with state and federal statutes.

Objective 6 of the Residential Land Use and Housing Element also requires the city encourage provisions for handicapped and assisted housing.

The modifications proposed will facilitate Residential Home location in all residentially zoned areas and will allow a new category of assisted care facility, Congregate Housing Facility, within areas currently allowed for multifamily residences. Handicapped housing will fall under one of these two categories.

7. Section 905.1B. requires:

The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The Planning Commission and City Council shall use its discretion to weight these factors in determining the intent of the proposed zone.

Ordinance No. 1763

The factors mentioned relate to a physical development proposal and are not applicable in regards to a legislative zoning text amendment.

8. Section 905.1C. requires:

The proposed amendment will meet or can be determined to reasonably meet applicable regional, State, or Federal regulations.

Proposed new and revised zoning definitions in Exhibit 1 have been determined by the City Attorney to meet the provisions of ORS 660-670 and the Federal Fair Housing Act. In addition, the language provided is intended to be clear and objective in compliance with various court case resolutions.

9. Section 905.1D. requires:

The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.

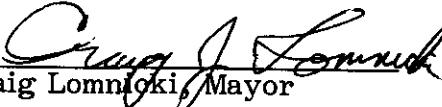
This criterion is not applicable as it relates to a specific development proposal rather than to a text amendment.

Section 2. Zoning Ordinance Text Amendment. The Zoning Ordinance text of Ordinance Number 1712 is amended as described in Exhibit A.

Read the first time on May 17, 1994 and moved to a second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on May 17, 1994.

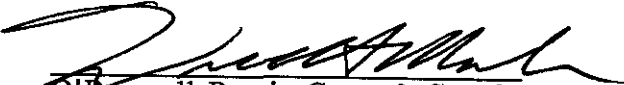
Signed by the Mayor on May 17, 1994.


Craig Lomnicki, Mayor

ATTEST:


Pat Duval, City Recorder

Approved as to form:


O'Donnell Ramis Crew & Corrigan
City Attorney

SECTION 100 - INTRODUCTORY PROVISIONS

ZA-94-04: Amendments to the
Zoning Ordinance
(16 pages)
BOLD CAPS = Proposed new text
Strikeout = Proposed deleted text

Residential home: Means a residence for five or fewer physically or mentally handicapped persons and for not more than two staff persons who need not be related to each other or to any other home resident. Residential homes may be permitted as a home occupation in all areas zoned for residential or commercial purposes.

Residential trailer: Means a manufactured dwelling that was constructed prior to January 1, 1962.

School, commercial: Means a place where instruction is given to pupils in arts, crafts, trades, or other occupational skills, and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation.

School, primary, elementary, junior high, or high: Includes public, private or parochial but not nursery school, kindergarten or day nursery, except when operated in conjunction with a school.

Senior, ~~AND retirement, and handicapped~~ housing: Means a multiunit dwelling where persons who are of retirement age ~~or who are handicapped~~, reside. Activity levels including traffic generation and parking of cars, is generally lower than for other types of housing. Common facilities for eating and activities may be provided; nursing care and medical supplies, and personal services may be provided on a limited basis. One person may own the entire complex or each dwelling unit may be owned separately as in a condominium. The dwelling units shall not have more than one bedroom per unit and shall not have more than 800 square feet per dwelling unit.

Specified anatomical areas: Means and includes any of the following:

- a. Less than completely and opaquely covered genitals, pubic region, buttock, anus or female breast below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: Means and includes any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the activities set forth in "a" through "c" of this definition.

Story, half: Means a story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Street: Means the entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms "road", "highway", "lane", "place", "avenue", "alley", and other similar designations.

Structure: Means something constructed or built and having a fixed base or, fixed connection to, the ground or another structure. (Streets and utilities are excluded from this definition.)

SECTION 300

USE ZONES

301 RESIDENTIAL ZONE R-10

In an R-10 Zone the following regulations shall apply:

301.1 Outright uses permitted

In an R-10 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. RESIDENTIAL HOME.
- BC. Agricultural or horticultural use, provided that:
 - 1. A retail or wholesale business sales office is not maintained on the premises; and
 - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- CD. Any other use similar to the above and not listed elsewhere.

301.2 Conditional Uses Permitted

In an R-10 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Temporary real estate office in a subdivision.
- B. Single-family attached dwelling.
- C. Senior, AND retirement and ~~handicapped~~-housing.
- D. Secondary dwelling unit.
- E. Any other use similar to the above and not listed elsewhere.

301.3 Standards

In an R-10 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 10,000 feet, and the lot area shall be not less than an average of 7,000 square feet for dwelling of a single-family attached complex. Lot width shall be at least 30 feet for an interior single-family attached unit. Average lot depth shall be at least 100 feet. Lot width shall be at least 70 feet.
- B. Front yard: A front yard shall be at least 20 feet.
- C. Side yard: A side yard shall be at least 10 feet, except on corner lots a side yard shall be at least 20 feet on the side abutting the street. For interior single-family attached units, side yards are not required.

SECTION 302 - RESIDENTIAL ZONE R-7

302 RESIDENTIAL ZONE R-7

In an R-7 Zone the following regulations shall apply:

302.1 Outright uses permitted

In an R-7 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. RESIDENTIAL HOME.
- BC. Agricultural or horticultural use, provided that:
 - 1. A retail or wholesale business sales office is not maintained on the premises; and
 - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- CD. Any other use similar to the above and not listed elsewhere.

302.2 Conditional uses permitted

In an R-7 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Temporary real estate office in a subdivision.
- B. Single-family attached dwelling.
- C. Senior, AND retirement and ~~handicapped~~ housing.
- D. Secondary dwelling unit.
- E. Any other use similar to the above and not listed elsewhere.

302.3 Standards

In an R-7 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 7,000 square feet. For a single-family attached complex the lot area shall be an average of at least 7,000 square feet per unit. Lot width shall be at least 60 feet. The minimum lot width shall be 30 feet for interior single-family attached units. Average lot depth shall be at least 80 feet.
- B. Front yard: A front yard shall be at least 20 feet.
- C. Side yard: A side yard shall be at least 5 feet and one side yard shall be at least 10 feet except on corner lots a side yard shall be at least 20 feet on the side abutting the street. For interior single-family attached units, side yards are not required.
- D. Rear yard: A rear yard shall be at least 20 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.

SECTION 303 - RESIDENTIAL ZONE R-5

303 RESIDENTIAL ZONE R-5

In an R-5 Zone the following regulations shall apply:

303.1 Outright uses permitted

In an R-5 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Single-family attached dwelling.
- C. RESIDENTIAL HOME.
- CD. Agricultural or horticultural use, provided that:
 - 1. A retail or wholesale business sales office is not maintained on the premises; and
 - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 feet per head of livestock.
- DE. Any other use similar to the above and not listed elsewhere.

303.2 Conditional uses permitted

In an R-5 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Temporary real estate office in a subdivision.
- B. Town house dwelling.
- C. Senior, ~~AND retirement and handicapped~~ housing.
- D. Secondary dwelling unit.
- E. Any other use similar to the above and not listed elsewhere.

303.3 Standards

In an R-5 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. For single-family attached and town house complexes the lot area shall be an average of at least 5,000 square feet per dwelling unit. Lot width shall be at least 50 feet. For interior single-family attached and town house units the lot width shall be at least 30 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: A front yard shall be at least 20 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over 2 stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior, single-family attached and interior town house units, side yards are not required.

SECTION 304 - RESIDENTIAL ZONE R-3

304 RESIDENTIAL ZONE R-3

In an R-3 Zone the following regulations shall apply:

304.1 Outright uses permitted

In an R-3 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family, detached dwelling.
- B. Agricultural or horticultural use, provided that:
 - 1. A retail or wholesale business sales office is not maintained on the premises; and
 - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- C. Single-family attached dwelling.
- D. RESIDENTIAL HOME.
- DE. Town house dwelling.
- EF. Any other uses similar to the above and not listed elsewhere.

304.2 Conditional uses permitted

In an R-3 Zone the following conditional uses and their accessory uses are permitted subject to provisions of Section 600:

- A. Temporary real estate office in a subdivision.
- B. Boarding, lodging or rooming house.
- C. Senior, ~~AND retirement and handicapped~~ housing.
- D. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature whose activities generate a minimal amount of traffic.
- E. Multifamily condominium or apartment dwelling.
- F. Secondary dwelling unit.
- G. CONGREGATE HOUSING FACILITY.
- GH. Any other uses similar to the above and not listed elsewhere.

SECTION 305 - RESIDENTIAL ZONE R-2.5

305 RESIDENTIAL ZONE R-2.5

In an R-2.5 Zone the following regulations shall apply:

305.1 Permitted uses

- A. Single-family dwelling.
- B. Single-family attached dwelling.
- C. **RESIDENTIAL HOME.**
- CD. Town house dwellings.
- DE. Agricultural or horticultural uses, provided that:
 - 1. A retail or wholesale business sales office is not maintained on the premises; and
 - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- EF. Any other use similar to the above and not listed elsewhere.

305.2 Conditional uses

- A. Boarding, lodging or rooming house.
- B. Senior, ~~AND retirement and handicapped~~ housing.
- C. Multifamily condominium or apartment.
- D. **CONGREGATE HOUSING FACILITY.**
- DE. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature whose activities generate a minimal amount of traffic.
- EF. Any other use similar to the above and not listed elsewhere.

305.3 Standards

In an R-2.5 Zone the following standards shall apply:

- A. Lot size: Single-family dwellings - 3,000 square feet. Attached dwellings - 2,500 square feet average per unit.
- B. Lot dimensions: Width at building line, measured at front setback: 1) single-family dwelling - 40 feet; 2) attached dwellings - 25 feet. Depth for all types of uses - 75 feet.
- C. Set backs: Front yard - 15 feet. Side yard - A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single-family attached, town houses and condominium units, side yards are not required.

SECTION 306 - RESIDENTIAL ZONE R-2

306 RESIDENTIAL ZONE R-2

In an R-2 Zone the following regulations shall apply:

306.1 Outright uses permitted

In an R-2 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. RESIDENTIAL HOME.
- BC. Agricultural or horticultural use, provided that:
 - 1. A retail or wholesale business sales office is not maintained on the premises; and
 - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- CD. Single-family attached, town house, multifamily condominiums, multifamily apartment dwellings.
- E. CONGREGATE HOUSING FACILITY.
- DF. Any other use similar to the above and not listed elsewhere.

306.2 Conditional uses permitted

In an R-2 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Boarding, lodging or rooming house.
- B. Senior, ~~AND retirement and handicapped~~ housing.
- C. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature whose activities generate a minimal amount of traffic, except in transitional areas.
- D. Hotel or motel.
- E. Marina
- F. Secondary dwelling unit
- G. Any other use similar to the above and not listed elsewhere.

306.3 Standards

In an R-2 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and there shall be not less than an average of 2,500 square feet for each dwelling unit over one. Lot width shall be at least 50 feet. For interior single-family

SECTION 307 - RESIDENTIAL-BUSINESS OFFICE-COMMERCIAL ZONE R-1-B

307 RESIDENTIAL-BUSINESS OFFICE-COMMERCIAL ZONE R-1-B

In an R-1-B Zone the following regulations shall apply:

307.1 Outright uses permitted

In an R-1-B Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Agricultural or horticultural use, provided that:
 - 1. A retail or wholesale business sales office is not maintained on the premises; and
 - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- C. Single-family attached dwelling.
- D. RESIDENTIAL HOME.
- DE. Town house, condominium, multifamily condominium and multifamily apartment dwellings.
- F. CONGREGATE HOUSING FACILITY.
- EG. Senior, ~~AND retirement and handicapped housing.~~
- FH. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others whose activities generate a minimal amount of traffic.
- GI. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations whose activities generate a minimal amount of traffic.
- HJ. Any other use similar to the above and not listed elsewhere.

307.2 Conditional uses permitted

In an R-1-B Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Temporary real estate office in a subdivision
- B. Boarding, lodging or rooming house.
- C. Hotel or motel.
- D. Marina.
- E. Any other use similar to the above and not listed elsewhere.

SECTION 308 - RESIDENTIAL ZONE R-1

308 RESIDENTIAL ZONE R-1

In an R-1 Zone the following regulations shall apply:

308.1 Outright uses permitted

In an R-1 Zone the following uses and accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Agricultural or horticultural use, provided that:
 - 1. A retail or wholesale business sales office is not maintained on the premises; and
 - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- C. Single-family attached, town house, multifamily condominium, multifamily apartment dwelling.

The above type dwellings are permitted with less than 3,000 square feet per unit provided that traffic does not move through adjacent lower density areas.
- D. RESIDENTIAL HOME.
- ~~DE.~~ Senior, ~~AND~~ retirement ~~and handicapped~~ housing.
- F. CONGREGATE HOUSING FACILITY.
- EG. Any other use similar to the above and not listed elsewhere.

308.2 Conditional uses permitted

In an R-1 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Temporary real estate office in a subdivision.
- B. Boarding, lodging or rooming house.
- C. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature whose activities generate a minimal amount of traffic, except in transitional areas.
- D. Hotel or motel.
- E. Marina.
- F. Any other use similar to the above and not listed elsewhere.

SECTION 309 - RESIDENTIAL-OFFICE-COMMERCIAL ZONE R-O-C

309 RESIDENTIAL-OFFICE-COMMERCIAL ZONE R-O-C

In an R-O-C Zone, the following regulations shall apply:

309.1 Outright uses permitted

In an R-O-C Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Single-family attached and town house dwelling.
- C. RESIDENTIAL HOME.
- CD. Multifamily condominium dwelling.
- DE. Multifamily apartment dwelling.
- F. CONGREGATE HOUSING FACILITY.
- EG. Senior, AND retirement and ~~handicapped~~ housing.
- FH. Offices.
- GI. Retail trade establishment such as a food store, drugstore, gift shop, hardware store selling primarily from a shelf-goods inventory.
- HJ. Personal service business such as a barber shop, tailor shop or laundry and dry cleaning pick-up station.
- IK. Funeral home.
- JL. Commercial recreation and motion picture theater.
- KM. Eating establishment.
- LN. Hotel or motel.
- MO. Parking facility.
- NP. Repair, maintenance or service of the type of goods to be found in any permitted retail trade establishment.
- OQ. Financial institution.
- PR. Trade or commercial school.
- QS. Department or furniture store.
- RT. Any other use similar to the above and not listed elsewhere.

309.2 Conditional uses permitted

In an R-O-C Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Boarding, lodging or rooming house.
- B. Any other use similar to the above and not listed elsewhere.

SECTION 311 - LIMITED COMMERCIAL ZONE C-L

311 LIMITED COMMERCIAL ZONE C-L

In a C-L Zone the following regulations shall apply:

311.1 Outright uses permitted

In a C-L Zone the following uses and their accessory uses are permitted outright:

- A. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists and others of a professional nature.
- B. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations.
- C. Retail trade establishment such as a food store, drugstore, gift shop, hardware store, selling primarily from a shelf-goods inventory.
- D. Personal service business such as a barber shop, tailor shop or laundry and dry cleaning pick-up station.
- E. Any other use similar to the above and not listed elsewhere.

311.2 Conditional uses permitted

In a C-L Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Funeral home.
- B. Marina and boat sales.
- C. Parking facility.
- D. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment.
- E. Financial institution.
- F. Trade or commercial school.
- G. Single-family detached dwelling.
- H. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- I. Single-family attached dwelling, town house dwelling, multifamily apartment and condominium dwelling.
- J. Senior, ~~AND retirement and handicapped~~ housing.
- K. RESIDENTIAL HOME.
- L. CONGREGATE HOUSING FACILITY.

SECTION 311 - LIMITED COMMERCIAL ZONE C-L

KM. High-impact commercial, except adult entertainment businesses.

LN. Any other use similar to the above and not listed elsewhere.

311.3 Standards

In a C-L Zone the following standards shall apply:

- A. Lot size: None, except as follows for dwelling: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and for dwelling units over one there shall be not less than an average of 1,000 square feet. Lot width shall be at least 50 feet. Lot width for interior single-family attached, town house and condominium units shall be at least 30 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: None, except as provided in subsections 311.3.E and 311.3.F below.
- C. Side yard: None, except as provided in subsections 311.3.E and 311.3.F below.
- D. Rear yard: None, except as provided in subsections 311.3.E and 311.3.F below.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standards set forth therein.
- F. Transition area: A transition area shall be maintained according to Section 413.
- G. Access: Entrances from a public street to properties in this zone shall be located to minimize traffic congestion and avoid directing traffic onto residential streets. Every lot shall abut a public street other than an alley for at least 35 feet except as permitted under the Subdivision Ordinance. Lots for interior single-family attached, town house and condominium units shall abut a public street for at least 20 feet.
- H. Off-street parking and loading: As specified in Section 500.
- I. Height restriction: Maximum height of any structure shall be three stories or 45 feet, whichever is less, but higher structures may be permitted, under provisions of Section 707.
- J. Open use: A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, shall be screened with a sight-obscuring fence not less than 6 feet high.
- K. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc., shall be 15 percent of the total area of the lot.

311.4 Prohibited uses

The following uses and their accessory uses are prohibited:

- A. Adult entertainment businesses.

SECTION 321 - COMMUNITY SERVICE OVERLAY ZONE CSO

321 COMMUNITY SERVICE OVERLAY ZONE CSO

321.1 Purpose

This Section provides for the development of special uses, which because of their public convenience, necessity and unusual character, may be appropriate in one district but not another. This Section also provides for the review and approval of various kinds of public and private facilities including utility and recreational facilities. The Community Service Overlay will function as an overlay designation for all public and private institutions in all zones and districts.

321.2 Applicability

Any community service development shall be subject to the provisions of this Section, unless otherwise directed in primary zones. Community service uses include private and public utilities, institutions and recreational facilities as listed below.

A. Institutions: public/private and other public facilities

1. Schools, public or private and their accompanying sports facilities, day-care centers, private kindergartens.
2. Government office buildings for local, state or federal government such as a city hall, courthouse, correctional facilities, or other similar buildings.
3. Hospital.
4. Cemetery.
5. Nursing or convalescent home.
6. Churches.
7. Community meeting building.
8. TEMPORARY OR TRANSITIONAL FACILITY.
89. Other similar uses as determined by the Planning Commission.

B. Utilities:

1. Sewage pumping stations.
2. Water wells, pump stations, and related facilities.
3. Electrical power substations.
4. Telephone switching station.
5. Public Works shops, road shops, yards, bus barns, equipment and material storage yards and other similar uses.
6. Telephone, microwave facilities.
7. Radio and television transmission facilities, including studios.

SECTION 325 - McLOUGHLIN CORRIDOR OVERLAY ZONE MC

325 McLOUGHLIN CORRIDOR OVERLAY ZONE MC

325.1 Purpose

The McLoughlin Corridor Overlay Zone (MC) is intended to guide development along McLoughlin Boulevard consistent with McLoughlin Boulevard improvements, downtown/riverfront redevelopment concepts, and the Comprehensive Plan. This overlay zone will discourage auto-oriented activities, enhance traffic flow on McLoughlin Boulevard, promote landscaped areas as a corridor enhancement and provide design guidelines for new development.

325.2 Applicability

This overlay zone is applicable to properties along McLoughlin Boulevard in downtown Milwaukie, designated MC on the City Zoning Map.

325.3 Uses permitted

- A. Uses permitted in the McLoughlin Corridor Overlay Zone shall be as specified in the primary zoning district permitted use and conditional use subsections.
- B. In addition to the above, eating establishments shall also be permitted outright.

325.4 Prohibited uses

- A. Uses prohibited in the McLoughlin Corridor Overlay Zone shall be as specified in the primary zoning district.
- B. Additional prohibited uses for properties within this overlay zone are listed as follows:
 - 1. Auto service and related uses including gas and service stations, and vehicle repair facilities and parts sales.
 - 2. Retail trade establishments that have high trip generation rates such as convenience stores.
 - 3. Single-family attached and detached dwellings.
 - 4. RESIDENTIAL HOME.
 - 45. Agricultural uses.
 - 56. Marinas, boat sales and repair, and related services (east of McLoughlin Boulevard).
 - 67. Drive-thru facilities.
 - 78. Uses similar to the above.

325.5 Development standards

- A. Standards of the primary zoning district are applicable except where superseded in this Section. If a conflict of standards arises, the standards of the MC Overlay Zone will govern.

SECTION 500 - OFF-STREET PARKING AND LOADING

- | | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| F. | Convalescent, nursing, and other health homes and institutions, homes for the aged, children's homes, and welfare or correctional institutions. | One space per three beds for patients plus one additional space per two employees. |
| G. | Senior, AND retirement, and handicapped housing | One space per dwelling unit. |

501.2 Public and semipublic buildings and uses - parking spaces required

- | | | |
|----|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A. | Auditorium or meeting room (other than church or school) | One space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each 4 seats or 8 feet of bench length. |
| B. | Church | One space per 80 square feet of floor area in the main assembly area or, where seating is fixed to the floor, one space per 4 seats or 8 feet of bench length. |
| C. | Club, lodge, or association | Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc. |
| D. | Hospital | One and one-half spaces per bed. |
| E. | Library | One space per 400 square feet of reading room plus one space per two employees. |
| F. | Day-care center, kindergarten, equivalent private or parochial school | Two spaces per teacher or staff member. |
| G. | Elementary, junior high, or equivalent private or parochial school | One space per employee or one space per 4 seats or 8 feet of bench in the auditorium or assembly room, whichever is greater. |
| H. | Senior high school, or equivalent private or parochial school | One space per employee or one space per 4 seats or 8 feet of bench length in the auditorium or assembly room, whichever is greater. |
| I. | College, universities, institutions of higher learning and equivalent private or parochial schools | One space per three seats in classrooms. |
| J. | Passenger terminal | One space for each 500 square feet of floor area. |

SECTION 600 - CONDITIONAL USES

602.8 Multifamily condominium and apartment dwellings

In considering a conditional use application for multifamily condominium and apartment dwellings, the Planning Commission shall consider the following:

- A. Relationship to neighboring uses.
- B. Street access.
- C. Terrain of the site.

The project shall not cause traffic to move through adjoining lower density areas.

602.9 Senior, ~~AND retirement and handicapped~~ housing

In considering a conditional use application for senior, ~~AND retirement, and handicapped~~ housing the Planning Commission shall consider the following:

- A. Pedestrian access to transit.
- B. Pedestrian access to convenience facilities such as grocery store, pharmacy, laundromat, park and open space, and senior activity center.
- C. Pedestrian access to banking, churches, hospital, and restaurants.
- D. Quality of project as a living environment for residents.
- E. Minimizing impact on the surrounding area.

The Planning Commission may recommend to the City Council an increase in density to as much as that permitted by the next higher zone. The City Council shall make the final decision on density increase.

An applicant is required to submit materials and the Planning Commission shall attach conditions which will ensure that the special nature of the housing, and groups to be served, are clearly defined and maintained in perpetuity. Also a project is required to meet the definition for this type of housing defined in Section 103.

602.10 Secondary dwelling unit

A secondary dwelling unit may be allowed in conjunction with a detached single-family dwelling by conversion of existing space, or by means of an addition.

- A. Requirements for conversion of existing space or addition:
 - 1. The unit is in conformance with the site development requirements of the underlying zone.
 - 2. One off-street parking space is provided for the secondary unit in addition to the required parking for the primary dwelling.
 - 3. Garage or carport space may not be converted to a secondary dwelling unit, unless parking standards can be met after the completion of the unit.